

PATENT ATTORNEY DOCKET NO.: 044574-5040-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of: | |) Plank t |
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| | Patrick C. KUNG et al. | 5/6/03 |
| Applic | eation No.: 09/830,033 |) Group Art Unit: 1631 |
| Filed: | October 22, 2001 | Examiner: Cheyne D. Ly |
| For: | PHYTOMICS: A GENOMIC-BASED APPROACH TO HERBAL COMPOSITIONS | RECEIVED |
| Assistant Commissioner for Patents Washington, D.C. 20231 | | MAY 0 2 2003 |
| Sir: | | TECH CENTER 1600/2900 |

RESPONSE TO RESTRICTION REQUIREMENT AND SECOND PRELIMINARY AMENDMENT

This paper responds to the Office Action dated March 11, 2003, time for response to which expires with a one month extension on May 11, 2003.

In response to the restriction requirement in the Office Action, Applicants respectfully elect, with traverse, Group II, claims 27-34, 68, 69 and 70-75, drawn to a method of evaluating an herbal composition. Applicants also respectfully elect, with traverse, the following species:

<u>Plant-related data</u> (claim 32): "the growing conditions of one or more of the individual herbs in the characterized herbal composition."

BioResponses (claim 33): "physiological responses."

Biosystems (claim 34): "cells."

A request for a one-month extension of time and authorization to charge Deposit Account No. 50-0310 in the amount of \$55.00 to cover the extension of time fee accompany this Response.

Prior to examination, please amend the application as follows:

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